

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL CASE NO. 3:07cv323

APLIX, INC., )  
a Delaware Corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
VELCRO USA, INC., )  
a Delaware Corporation, )  
 )  
Defendant. )  
\_\_\_\_\_ )

ORDER

**THIS MATTER** is before the Court *sua sponte* to advise the parties of the format to be followed during the Markman<sup>1</sup> hearing presently scheduled for May 2, 2008.

In accordance with the Pretrial Order and Case Management Plan [Doc. 13, filed October 25, 2007], the parties have now filed their respective motions for claim construction and rebuttal briefs. The hearing will proceed with the following format:

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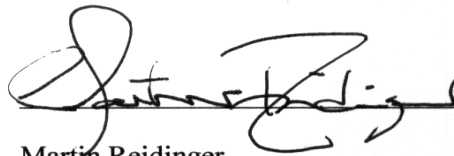
<sup>1</sup>Markman v. Westview Instruments, Inc., 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996).

1. The Plaintiff shall proceed first and is limited to a total time of ninety (90) minutes which shall be divided as follows:
  - a. a brief opening statement;
  - b. a tutorial on technology as it relates to the patent under consideration; and
  - c. discussion of the disputed claim terms which are to be addressed one at the time.
2. The Plaintiff may rely on argument, power point presentation and/or the testimony of live witnesses. However, all such presentations are limited to ninety (90) minutes. In the event that the Plaintiff desires to provide to the Court copies of power point presentations or other exhibits, it may do so only if such exhibits are not duplicative of exhibits already filed in connection with the pending motions. In the event that the Plaintiff presents live testimony, the Defendant's cross-examination of the witness, if any, will count toward Defendant's total time of ninety minutes as set out below.
3. The Defendant will then make its presentation in the same format and with the same conditions. The ninety (90) minute time period for the Defendant will be reduced by the time spent by the Defendant in cross-examination of any witness presented by the Plaintiff. The

Plaintiff may cross-examine any live witness of the Defendant if and only to the extent that it reserved a portion of its original ninety (90) minutes for such purpose. In order to make a determination as to the allocation of time, each party shall inform its opposing party at least twenty-four (24) hours in advance of the scheduled beginning of the Markman hearing whether it intends to present any testimony at the hearing, and the identities of any such witnesses.

4. After the above presentations, each party will be allowed to make a closing statement, if desired, not to exceed thirty (30) minutes.
5. No further filings in this matter will be allowed absent prior permission until such time as the Court has rendered a claim construction decision.

**IT IS SO ORDERED.**

  
Martin Reidinger  
United States District Judge



Signed: April 18, 2008